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Pentagon to Cut 17,000 Medical Billets

Military.com published a story January 10, 2019, written by Tom Philpott, claiming the Navy, Army and Air Force are planning to cut more than 17,000 uniform medical billets over several years. A senior military official told Philpott that uniformed Navy medical staff will be reduced by almost 5,300, the Army by almost 7,300 and the Air Force by a little more than 5,300. The current medical staff consists of a combined medical force of 130,000 active-duty and reserve. The planned cuts would lower uniformed medical strength by 13 percent. Senior military staff claims the current medical bureaucracy is bloated and needs trimming. FRA is concerned that these cuts could impact access to and quality of health care.

Control of all medical facilities is being transferred to the Defense Health Agency (DHA), where functions of the three separate service medical departments are already being consolidated to streamline health care operations, reduce support costs while standardizing practices and procedures, from scheduling appointments to reporting on provider errors. Meanwhile, the military health system is adopting a new electronic health record system called MHS Genesis.

The FY2017 National Defense Department Authorization Act (NDAA) mandates that the DHA collaborate with service branches on defining medical and dental personnel requirements to ensure operational readiness. DHA will convert military medical positions to civilian positions if the position is deemed unnecessary to meet operational readiness needs.

The medical force reduction effort, however, does not appear to include funding for replacing of military billets with civilian medical positions, as the NDAA intended. Instead, the emphasis is on providing more efficient care using smaller staffs that are sized to gain more experience and be better trained for military operations. FRA staff is scheduled to meet with the Senate Armed Services, Personnel Subcommittee staff next week to discuss this and other health care issues.

SCOTUS to Consider Agent Orange Case

The Supreme Court of the United States (SCOTUS) agreed to review the veteran's case, Gray v. Wilkie, February 25, 2019. The justices agreed to address an issue involving whether or not the U.S. Court of Appeals for the Federal Circuit Court has jurisdiction to hear pre-enforcement litigation of VA rules in the agency's manual.

In 1991, Congress passed the Agent Orange Act to make it easier for veterans who were exposed to toxic herbicides in Vietnam to obtain VA disability benefits. If a veteran served in-country in Vietnam between January 9, 1962 and May 7, 1975 and developed any one of several disabilities linked to Agent Orange exposure, they are granted presumptive service connection. In 2007, Mr. Gray filed a disability compensation claim for several medical conditions related to his naval service in Da Nang Harbor, Vietnam. At the time, the VA considered service in Vietnam as service on its land-mass or in its inland waterways, but not open deep-water coastal ports and harbors.

The VA denied Gray's claim under the above-mentioned interpretation. Eventually, he appealed to the U.S. Court of Appeals for Veterans Claims (CAVC). The CAVC concluded that the VA's definition of "inland waterways" was both inconsistent with the regulatory purpose and irrational in part because the VA offered no meaningful explanation why it classified some bays as inland waterways, but not others. Therefore, the CAVC remanded Gray's case to the Veterans Board of Appeals with instructions to re-evaluate its definition of "inland waterways" to be consistent with the statute (38 CFR § 3.307), relating to the presumption of exposure.

Following this CAVC decision in February of 2016, the VA published a Memorandum of Changes, announcing a change to its interpretation of the Agent Orange Act. The revision to the M21-1 Manual stated that only veterans who set foot on Vietnam soil or served in the country's "inland waterways" would be presumed to have been exposed to Agent Orange. Furthermore, the manual defined "inland waterways" as "fresh water rivers, streams, canals and similar waterways. Because these waterways are distinct from ocean waters and other related coastal features, service in these waterways is considered service in Vietnam." Gray challenged this matter in the Federal Circuit Court.

The Federal Circuit Court held to the position that it lacked the jurisdiction to review VA interpretive rules if the VA published them in its manual. In response to this decision, Gray asked the Supreme Court to review the lower court's ruling. He argued that it should be overturned not only because it undermines the purpose of 38 U.S.C. § 502, but also because it will impose significant hardship on veterans. Specifically, because the holding prevents veterans from obtaining prompt review of unlawful VA rules from the beginning, when the damage to veterans could otherwise be minimized. The Supreme Court justices agreed to decide whether the Federal Circuit Court has jurisdiction to review VA policies set forth in the M21-1 Manual under 38 U.S.C. § 502. The SCOTUS hearing is scheduled for Monday, February 25, 2019.

FRA Supports Pay Our Coast Guard Act

January 15, 2019 marked the first time in history members of the Coast Guard were not paid for their service due to a government shutdown. The FRA strongly supports the Pay Our Coast Guard Act (S.21/ H.R.350) and has already dispatched a letter of support and signed onto a support letter from the Military Coalition (TMC). This legislation would ensure members of the Coast Guard are paid on time, even when there is a lapse in appropriations. Members of the Coast Guard do essential work that protects the security of our nation. Despite the current government shutdown, they continue to safeguard our waterways, intercept attempts to smuggle drugs or contraband and many other vital functions-all without pay. They serve and sacrifice just like members of the armed forces. They even take the same oath to preserve and protect the U.S. Constitution. Our nation owes it to our guardsmen to ensure they are paid on time. FRA members are encouraged to use the [Action Center](#).

In related news, the Defense Health Agency announced that due to the government shutdown, TRICARE is not able to process payments through the U.S. Coast Guard pay center. This affects allotments made on or after Jan. 1, 2019 by:

- Retirees of the U.S. Coast Guard, U.S. Public Health Service or commissioned corps of the National Oceanic and Atmospheric Agency; and
- Family members, survivors or eligible former spouses of those listed above.

For information on how the shutdown affects the Federal Employees Dental and Vision Insurance Program (FEDVIP) dental and vision allotment payments, visit the [FEDVIP website](#).

FRA Participates in Marine Combined Awards Program

For 19 years, the FRA has recognized the top Marine Corps enlisted personnel by participating in the Combined Awards Program ceremonies at MCB Quantico in Virginia. Assistant Commandant of the Marine Corps, Gen. Gary Thomas and SgtMaj. of the Marine Corps, participated in this annual ceremony. Winners of the award are as follows:

- Recruiter of the Year-Staff Sgt. Tyler J. Jennings;
- Recruiting SNCOIC of the year-Staff Sgt. Thomas R. Hughes;
- Prior Service Recruiter of the Year-Staff Sgt. Terrell L. Pryor;
- Prior Service SNCOIC of the Year-Gunnery Sgt. Grant D. Brawn;

- Drill Instructor of the Year-Gunnery Sgt. Erle W. Pettus;
- Combat Instructor of the Year-Gunnery Sgt. Christopher I. Simser Jr.;
- BN/SQDRN high PFT/CFT-Lt. Col. Christopher R. Seigh;
- BN/SQDRN high-1stSgt Jose R. Beato;
- Security Guard of the Year-Sgt. Jonathan Cabrera Gonzalez;
- Career Planner of the Year-Gunnery Sgt. Xavier Romanribera;
- Reserve Career Planner of the Year-Staff Sgt. Marshall A. Kulik;
- Male Athlete of the Year-Staff Sgt. Jason T. Pacheco; and
- Female Athlete of the Year-1st Lt. Lindsay R Carrick.

FRA is one of the sponsors of the awards ceremony and gave each of the recipients an FRA coin, a two-year complementary membership, and an award certificate from FRA's National President.